

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:21-CV-00371-BO

SONYA CALLOWAY-DURHAM,

Plaintiff,

v.

N.C. DEPARTMENT OF JUSTICE,
JOSHUA H. STEIN, in his individual
and official capacity as Attorney
General, LESLIE COOLEY
DISMUKES, in her individual and
official capacity as Criminal Bureau
Chief, SHANNON CASSELL, in her
individual and official capacity as former
Civil Bureau Chief, and ALANA
DANIELLE MARQUIS ELDER, in her
individual and official capacity as Senior
Deputy Attorney General,

Defendants.

**DEFENDANTS' MOTION TO
CONTINUE TRIAL**

Pursuant to Local Civil Rules 7.1(b) and 39.2, defendants North Carolina Department of Justice ("NCDOJ"), Leslie Cooley Dismukes, and Alana Danielle Marquis Elder, by and through their undersigned counsel, respectfully notify the Court of the scheduling conflicts of two witnesses and one defendant during the week of 21 October 2024, the trial date established in the Court's 28 August 2024 Order (DE 178). Defendants therefore move to continue the trial of this matter to a date during which counsel and the material witnesses for this matter are available. Plaintiff does not consent to this motion but has stated that she will not file any response to the motion.

1. Plaintiff's remaining claims against Defendants assert that Plaintiff was not promoted in June 2020 due to her race, color or sex. (DE 50 at 11; DE 40 ¶¶ 142-55)

2. Three people were on the interview panel that made the promotion decision that Plaintiff challenges: defendants Dismukes and Elder, and Tina Wong. (*E.g.*, DE 99 ¶¶ 38, 41-43, 46) Tammera Hill, Plaintiff's supervisor, recommended the candidate who was selected for the promotion. (*Id.* ¶¶ 32-33, 39)

3. This matter was previously set for trial to begin on 3 June 2024.

4. On 3 May 2024, Defendants filed their witness and exhibit list. (DE 130) Defendants listed Ms. Hill and Ms. Wong as two of the four witnesses who Defendants expected to call to testify. (DE 130 at 2) Defendants also listed Ms. Hill and Ms. Wong as witnesses in the proposed pretrial order filed on 20 August 2024. (DE 166-1 at 89)

5. Defendants have been prepared for trial with all witnesses available for two previously scheduled trial dates (3 June 2024 and 16 September 2024) that have been continued.

6. On 28 August 2024, the Court continued the trial from 21 September 2024 to 21 October 2024. (DE 178)

7. Undersigned counsel understands that Ms. Hill has a conflict the week of October 21 involving out-of-state travel. Undersigned counsel understands that Ms. Wong plans to be out-of-state on Friday, October 25, during the week of October 21.

8. Plaintiff estimates that this case will take a week to try. (DE 166-1 at 90)

9. Ms. Hill's testimony and Ms. Wong's testimony are material and necessary for the defense of this case.

10. Additionally, defendant Leslie Dismukes is scheduled to be out-of-state for work-related matters during the week of October 21.

11. Defendants therefore move to continue the trial of this matter to a date during which all counsel, the parties, and the material witnesses for this matter are available.

WHEREFORE, Defendants respectfully request that this Court continue the trial of this matter from 21 October 2024 to a later date. Defendants also respectfully request that the Court convene a conference to address trial scheduling.

This the 5th day of September, 2024.

MORNINGSTAR LAW GROUP

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Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she has this day served a copy of the foregoing with the clerk of court using the CM/ECF system, which will send notification of such filing to all counsel of record.

This the 5th day of September, 2024.

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